

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
May 22, 2018 - 9:00 A.M.

PRESENT: COMMISSIONER NATHAN IVIE, CHAIR
COMMISSIONER WILLIAM C LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ALSO PRESENT:

David Shawcroft, Civil Div. Chief Deputy Attorney
Robert J. Moore, Deputy Attorney
Paul Jones, Deputy Attorney
Robert Baxter, Utah County Purchasing Manager
Bryan E. Thompson, Utah County Clerk/Auditor
Kris Poulson, Utah County Assessor
Burt Garfield, Chief Deputy Assessor
Diane Garcia, Utah County Assessor's Office
Clarissa Reeve, Utah County Assessor's Office
Jim Stevens, Utah County Assessor's Office
Peggy Kelsey, Community Development
Ralph Clegg, Utah County Health Department
Bryce C. Larsen, Utah County Health Department
Richard Vance, Utah County Drug & Alcohol
Lana Jensen, Human Resources Director
Richard Nielson, Utah County Public Works Director
Andrea Allen, Utah County Recorder's Office

Brian Voeks, Utah County Commission Office
Shawn Chipman, Utah County Sheriff's Office
Dalene Higgins, Utah County Sheriff's Office
Dana Barney, Utah County Treasurer's Office
Rebecca Martell, Children's Justice Center
Sally Leo, Utah County Clerk/Auditor's Office
Joanna Davis, Provo Resident
Megan Frances, Paperclip Productions, Inc.
Theresa Foxley, CEO and President of EDCUtah
Russ Fotheringham, EDCUtah
Michael Lange, Rocky Mountain Power
Aaron Sanborn, EM Economic Devel Director
Ifo Pili, Eagle Mountain City Administrator
Tom Westmoreland, Eagle Mountain Mayor
Rob Sant, Lewis Young Robertson & Burningham
Shawn Lambert, CUWCD
Bronson Stewart, CUWCD

Commissioner Ivie called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Tom Westmoreland, Eagle Mountain Mayor
PLEDGE OF ALLEGIANCE: Theresa Foxley, EDCUtah

Commissioner Ivie announced for the general public that anyone wishing to comment on an agenda item is welcome to approach the microphone at any time to speak to the issue. He also explained Board procedures for addressing the Consent Agenda and Regular Agenda.

CONSENT AGENDA
(Track A, 02:49)

- 1. DECLARE THE ATTACHED LIST OF CELL PHONES AS SURPLUS AND AUTHORIZE THE TRADE OF THESE PHONE TO T-MOBILE IN EXCHANGE FOR A \$520.00 CREDIT TOWARD REPLACEMENT PHONES**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH MARY LATU TO PROVIDE SPECIALIZED CONTRACTED THERAPY SERVICES TO CHILD VICTIMS**
- 3. ACCEPT AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH TIMOTHY PONCE TO PROVIDE SPECIALIZED CONTRACTED THERAPY SERVICES TO CHILD VICTIMS**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – May 22, 2018

Page 2

4. **OBTAIN COMMISSION CHAIR SIGNATURE TO ACKNOWLEDGE DONATION OF HOOKAH/MOBILE SNUBA STATION WITH TRAILER FOR SEARCH AND RESCUE MISSIONS**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO AGREEMENT NO. 2017-257 WITH PROVO SCHOOL DISTRICT TO PROVIDE NURSING SERVICES FOR SUMMER CAMP**
6. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH UTAH INTERMOUNTAIN HEALTHCARE FOR UTAH COUNTY HEALTH PROMOTIONS DIVISION TO PROVIDE “LIVING WELL WITH DIABETES” CLASSES**
7. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN UTAH INDOOR CLEAN AIR ACT AGREEMENT WITH UTAH DEPARTMENT OF HEALTH**
8. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A CONFLICT OF INTEREST FORM FOR THE STATE OF UTAH DEPARTMENT OF HEALTH**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO AGREEMENT NO. 2016-421 WITH THE UTAH DEPARTMENT OF HUMAN SERVICES – DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH FOR UPDATED CONTRACT PERIOD AND PAYMENT RATES**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1, TERMINATING AGREEMENT NO. 2017-332 WITH THE STATE OF UTAH**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 4, TERMINATING AGREEMENT NO. 2017-441 WITH THE STATE OF UTAH**
12. **DESIGNATE PAST DUE ACCOUNTS RECEIVABLE AS UNCOLLECTABLE, AND APPROVE AND AUTHORIZE THE AMOUNTS TO BE WRITTEN OFF**

The Board requested Consent Agenda Item No. 12 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

13. **ADOPT A RESOLUTION GIVING NOTICE AND DECLARING, THAT THE REAL PROPERTIES HERETOFORE STRUCK OFF TO UTAH COUNTY BY THE UTAH CLERK/AUDITOR DURING A TAX SALE, AS SURPLUS PROPERTY AND OFFERED FOR SALE TO THE PUBLIC UNLESS DETERMINED OTHERWISE BY THE BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH**
14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A GRANT AGREEMENT WITH THE UTAH DEPARTMENT OF AGRICULTURE AND FOOD TO RECEIVE \$150,000.00 TOWARD THE PURCHASE OF TWO MARSH MASTER AMPHIBIOUS VEHICLES FOR USE IN WEED CONTROL WORK TOWARD UTAH LAKE**
15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUBDIVISION IMPROVEMENT AND WARRANTY AGREEMENT WITH BROCK AND KATI CROPPER/SHAUNNA CHRISTMAS FOR CHRISTMAS ESTATES PLAT A FOR A CASH CONSTRUCTION BOND OF \$9,510 AND CASH WARRANTY BOND OF \$760.80**
16. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT WITH THE CITY OF ALPINE FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – May 22, 2018

Page 3

17. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT WITH THE CITY OF HIGHLAND FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT

18. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AGREEMENT WITH THE CITY OF SPRINGVILLE FOR A UTAH COUNTY ACTIVITIES GRANT FOR A TOURISM AND RECREATION DEVELOPMENT PROJECT

19. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60378, DATED MAY 17, 2018

The Board requested Consent Agenda Item No. 19 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

20. ADOPT A RESOLUTION REAPPOINTING ERNEST M. JOHN, MICHAEL M. CHAMBERS, LARRY M. MENDENHALL, AND RICHARD MECHAM TO THE BOARD OF TRUSTEES FOR THE NORTH UTAH COUNTY WATER CONSERVANCY DISTRICT

21. ADOPT RESOLUTION OF APPOINTMENTS OF BLAINE THOMAS AND JAY F. MECHAM TO THE ADMINISTRATIVE CONTROL BOARD OF TIMPANOGOS SPECIAL SERVICE DISTRICT

22. RATIFICATION OF WARRANT REGISTER SUMMARY FOR MAY 22, 2018, INCLUDING NOTES AND COMMENTS FROM THE COMMISSIONERS AS RECORDED ON THE INTERNAL SYSTEM

Consent Agenda Item Nos. 1 through 11, and 13 through 18, and 20 through 22 were approved as written. Commissioner Ivie recommended the following Regular Agenda items be moved to Consent:

1. TAKE ACTION TO REFER THE 20-YEAR REVIEW OF THE DIXON AGRICULTURAL PROTECTION AREA, 7.72 ACRES, TO THE UTAH COUNTY PLANNING COMMISSION AND THE UTAH COUNTY AGRICULTURAL AREA ADVISORY BOARD PER UTAH CODE 17-41-307; LOCATED IN SECTION 32, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SLB&M, LEHI AREA OF UNINCORPORATED UTAH COUNTY

2. APPROVE THE MINUTES OF THE JANUARY 30, 2018 COMMISSION MEETING

3. APPROVE THE MINUTES OF THE FEBRUARY 13, 2018 COMMISSION MEETING

4. APPROVE THE MINUTES OF THE FEBRUARY 27, 2018 COMMISSION MEETING

5. APPROVE THE MINUTES OF THE FEBRUARY 20, 2018 COMMISSION MEETING

9. APPROVE A LATE DISABLED VETERAN ABATEMENT FOR TIMOTHY JAMES HOUSTON, SERIAL NO. 49:780:0108, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE WAS BEYOND THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE

10. APPROVE A LATE DISABLED VETERAN ABATEMENT FOR STEPHANIE REEDER, SERIAL NO. 66:508:0608, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE WAS BEYOND THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE

11. AUTHORIZE A CHANGE TO THE STAFFING PLAN TO ELIMINATE ONE (1) VACANT, LIMITED-TERM LAW CLERK/BALIFF POSITION AND ADD ONE (1) FULL-TIME, CAREER

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – May 22, 2018

Page 4

SERVICE DEPUTY SHERIFF II POSITION TO THE JUDICIAL SERVICES DIVISION OF THE SHERIFF'S OFFICE

- 12. ADOPT AN ORDINANCE REPEALING THE DEPUTY SHERIFF REIMBURSEMENT FEES EXCLUSIVE TO THE CITY OF EAGLE MOUNTAIN AND ENACTING THE DEPUTY SHERIFF SUPPLEMENTAL LAW ENFORCEMENT FEE AND THE EVIDENCE PERSONAL DIGITAL DATA EXTRACTION FEE**

ACTIONS TAKEN

Consent Agenda Item Nos. 1 through 11 and 13 through 18 and 20 through 22 were referred, approved, authorized, adopted, and ratified; and Nos. 12 and 19 were tabled for further discussion. Regular Agenda Item Nos. 1 through 5 and 9 through 12, were approved and authorized.

AGREEMENT NOS.: 2018-331 through 2018-348
RESOLUTION NOS.: 2018-51 through 2018-53
ORDINANCE NO.: 2018-10

REGULAR AGENDA

(PULLED FROM CONSENT)

- 12. DESIGNATE PAST DUE ACCOUNTS RECEIVABLE AS UNCOLLECTIBLE, AND APPROVE AND AUTHORIZE THE AMOUNTS TO BE WRITTEN OFF**

(Track A, 04:45)

Commissioner Lee expressed concerns about an invoice that was reduced from \$140 to \$75. Public Works Director Richard Nielson explained that there was a duplicate inspection at the same site so the fire marshal didn't want to charge double. Richard proposed that the fee schedule be amended/changed to address this issue in the future.

Commissioner Lee made the motion to approve and authorize the amounts as stated as Consent Agenda Item No. 12. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Nathan Ivie
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2018-342

The Board chose to address Regular Agenda Item No. 6 before returning to the pulled Consent Agenda items.

REGULAR AGENDA

- 6. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2018-8**

(Track A, 08:22)

Deputy Attorney Paul Jones mentioned that several of the parcels included in this letter had been previously addressed, but are being re-considered today at the request of Commissioner Lee. Mr. Jones reviewed the letter with the Board and Commissioner Lee expressed concerns over the application submitted by PCC Redevelopment Trust.

Commissioner Graves made the motion to approve the property tax actions contained in Recommendation Letter No. 2018-8 with the following exceptions: continue discussion of Parcels 18:017:0002 and 18:017:0010 registered to PCC Redevelopment Trust; abate the penalty and interest

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – May 22, 2018

Page 5

for Serial No. 35:041:0027 registered to Richard and Jean Larsen; abate the penalty and interest for Serial No. 59:001:0091 registered to Victor and Ptarmigan Kilgore; and abate the penalty and interest for Serial No. 12:054:0155 registered to RLP Enterprises, LLC, as stated in Regular Agenda Item No. 6. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Nathan Ivie
William C. Lee
Greg Graves
NAY: None

APPROVED WITH EXCEPTIONS
AGREEMENT NO. 2018-349

The Board returned to discussion of Consent Agenda Item No. 19 at this point.

REGULAR AGENDA

(PULLED FROM CONSENT)

19. APPROVE TAX CREDIT AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60378, DATED MAY 17, 2018
(Track A, 33:48)

Commissioner Graves made the motion to approve tax credit and refunds contained in Cancellation and Correction Letter No. 60378 as stated in Consent Agenda Item No. 19. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Nathan Ivie
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2018-350

The Board moved forward with the remaining agenda items as posted.

REGULAR AGENDA

7. ADOPT A RESOLUTION REGARDING THE ADJUSTMENT OF GREENBELT ROLLBACK TAXES (CONTINUED FROM THE MAY 15, 2018 COMMISSION MEETING)

(Track A, 35:14)

Utah County Assessor Kris Poulson, Deputy Attorney Paul Jones and the commissioners discussed the language of the proposed resolution. The commissioners suggested updates as noted in the motion.

Commissioner Graves made the motion to adopt the resolution with updated language regarding established qualifications for FAA assessment and payment of administration fees, as specified in Regular Agenda Item No. 7. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Nathan Ivie
William C. Lee
Greg Graves
NAY: None

RESOLUTION NO. 2018-54

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – May 22, 2018

Page 6

8. ABATE THE ROLLBACK TAXES FOR PROPERTY SERIAL NO. 46:810:0200 (CONTINUED FROM THE MAY 1, 2018 COMMISSION MEETING)

(Track A, 45:02)

Commissioner Graves made the motion to strike Regular Agenda Item No. 8. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Nathan Ivie
William C. Lee
Greg Graves
NAY: None

STRICKEN

13. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE EAGLE MOUNTAIN REDEVELOPMENT AGENCY FOR THE SWEET WATER INDUSTRIAL PARK COMMUNITY REINVESTMENT PROJECT AREA NO. 1

(Track A, 47:42)

Eagle Mountain City Administrator Ifo Pili came forward with Eagle Mountain Economic Development Director Aaron Sanborn, Rob Sant of Lewis Young Robertson & Burningham, EDCUtah (Economic Development Corporation of Utah) CEO Theresa Foxley and Mike Lang of Rocky Mountain Power to address the Sweet Water Industrial Park Community Reinvestment Project Area No. 1. They expounded on the benefits of providing a tax break for the project area, emphasizing an anticipated one-thousand percent return on investment and potential to generate over \$8,000,000 annually for all tax entities once the data center is fully developed. The company is planning to spend more than \$100 million on infrastructure. Commissioners Ivie and Lee expressed concern that there is no performance guarantee. All the commissioners suggested adding language to specify the company will not receive any tax increment past March 2059, the fortieth year of the project. They stated the tax break will be conditional on the infrastructure being completed as outlined in the development agreement between the company and Eagle Mountain, and this will all be contingent upon a contract between Eagle Mountain and Alpine School District.

Commissioner Graves made the motion to adopt the resolution approving and authorizing the execution of an interlocal agreement with the amended changes as stated and on condition of approval by Alpine School District and Central Utah Water. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Nathan Ivie
William C. Lee
Greg Graves
NAY: None

APPROVED WITH AMENDMENTS

RESOLUTION NO. 2018-55

AGREEMENT NO. 2018-351

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

(Track B, 00:01)

14. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

Commissioner Lee made the motion to strike Regular Agenda Item No. 14. The motion was seconded by Commissioner Graves and carried with the following vote:

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – May 22, 2018

Page 7

AYE: Nathan Ivie
William C. Lee
Greg Graves
NAY: None

STRICKEN

15. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

CLOSED SESSION

Commissioner Lee made the motion to approve and to set a date, time, and location for a closed meeting for a strategy session to discuss the sale of real property, water rights, or water shares, previously publicly noticed for sale for today's date at this location following the completion of the Regular Agenda. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Nathan Ivie
William C. Lee
Greg Graves
NAY: None

16. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

CLOSED SESSION

Commissioner Lee made the motion to approve and to set a date, time, and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals for today's date at this location following the completion of the Regular Agenda. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Nathan Ivie
William C. Lee
Greg Graves
NAY: None

17. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

CLOSED SESSION

Commissioner Lee made the motion to set a date, time, and location for a closed meeting for a strategy session to discuss the pending or reasonably imminent litigation for today's date at this location following the completion of the Regular Agenda. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Nathan Ivie
William C. Lee
Greg Graves
NAY: None

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES – May 22, 2018

Page 8

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 10:52 A.M. to go into closed meetings. The public meeting reconvened at 11:34 A.M.

(Track C, 00:01)

Commissioner Graves made the motion to adjourn the May 22, 2018 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Nathan Ivie
William C. Lee
Greg Graves
NAY: None**

There being no further business nor public comment, the meeting adjourned at 11:34 A.M. The minutes of the May 22, 2018 Commission meeting were approved as transcribed on June 12, 2018.

NATHAN IVIE, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor